

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALFREDO SATO-AVITIA,)	
Petitioner,)	
)	C.A. No. 04-40076-WGY
v.)	
)	
U.S.A.,)	
Respondent.)	

MEMORANDUM AND ORDER OF DISMISSAL

For the reasons stated below, the petition for a writ of habeas corpus under 28 U.S.C. § 2241 is dismissed.

FACTS

On April 28, 2004, petitioner Alfredo Sato-Avitia, an inmate at FMC Devens, filed a petition for a writ of habeas corpus under Section 2241 ("first petition"). That action was assigned Civil Action No. 04-40062-WGY. On May 13, 2004, petitioner filed a second petition (C.A. No. 04-40076-WGY) asserting the same claims as those contained in the first petition.

CONCLUSION

Based upon the foregoing, the petition for a writ of habeas corpus under Section 2241 in C.A. No. 04-40076-WGY is hereby dismissed as duplicative of Civil Action No. 04-40062-WGY.

SO ORDERED.

Dated at Boston, Massachusetts, this 2nd day of June, 2004.

s/ William G. Young
UNITED STATES DISTRICT JUDGE